

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

|             |                            |   |                   |             |
|-------------|----------------------------|---|-------------------|-------------|
| Appellants: | Robert E. Van Cleve et al. | § | Confirmation No.: | 4192        |
|             |                            | § |                   |             |
| Serial No.: | 09/966,064                 | § | Group Art Unit:   | 2116        |
|             |                            | § |                   |             |
| Filed:      | 09/28/2001                 | § | Examiner:         | Thuan N. Du |
|             |                            | § |                   |             |
| For:        | Reserved ROM Space         | § | Docket No.:       | 200302158-1 |
|             | For Storage Of Operating   | § |                   |             |
|             | System Drivers             | § |                   |             |

**REPLY BRIEF**

**Mail Stop Appeal Brief – Patents**

Date: December 20, 2006

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Examiner's Answer dated November 22, 2006, Appellants submit this Reply Brief. The Examiner's Answer indicates the allowance or effective allowance of several claims that were rejected in the final Office action. The allowance and effective allowance leaves three claims at issue: claims 10 and 16-17. In Appellants' Appeal Brief, claim 10 is separately argued; however, claim 16 is grouped with claims 17-20, and claim 18 of the group is selected as the illustrative claim meaning that no separate argument exists regarding claim 16. This Reply Brief thus presents arguments for a new group comprising claims 16 and 17.

**I. CLAIMS 16 AND 17**

Claims 16 and 17 stand rejected as obvious over allegedly admitted prior art, Alcorn and Nakagiri. Claim 16 is representative of this grouping of claims. The grouping should not be construed to mean the patentability of any of the claims may be determined in later actions (*e.g.*, actions before a court) based on the groupings. Rather, the presumption of 35 USC § 282 shall apply to each of these claims individually.

Claim 16 is directed to a method comprising, "supplying an operating system driver during the installation of an operating system by copying the operating system driver from a read only memory (ROM) device comprising a basic input output system (BIOS) and operating system drivers for a plurality of different operating systems." Appellants respectfully submit that their allegedly admitted prior art, Alcorn and Nakagiri do not teach or fairly suggest the limitations of representative claim 16. For example, providing of operation system drivers in Alcorn is during loading of a previously installed operating system, not **"during** the installation of an operating system." In Nakagiri, the operating system of the host computer is already executing before the driver is provided,<sup>1</sup> and even if the claimed "installation" is mischaracterized as loading of a previously installed operating system, the driver provided in Nakagiri is not **"during** the installation of an operating system." Thus, the allegedly admitted prior art, Alcorn and Nakagiri fail to teach or suggest, "supplying an operating system driver during the installation of an operating system ... from a read only memory (ROM) device comprising a basic input output system (BIOS) and operating system drivers for a plurality of different operating systems."

Based on the foregoing, Appellants respectfully submit that the rejections of the claims in this grouping be reversed, and the claims set for issue.

## **II. CONCLUSION**

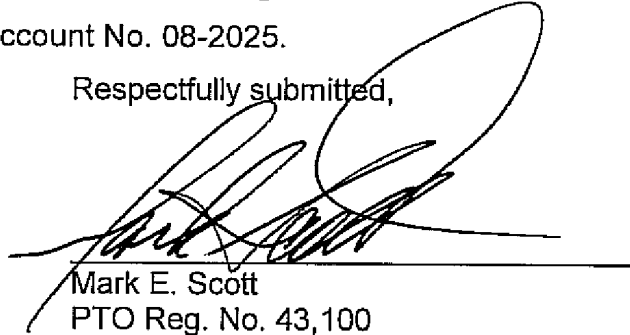
It is believed that no extensions of time or fees are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fees required (including fees for net addition

---

<sup>1</sup> Nakagiri, Col. 5, lines 35-65; Figure 3.

of claims) are hereby authorized to be charged to Hewlett-Packard Development Company's Deposit Account No. 08-2025.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Mark E. Scott', is written over a horizontal line. The signature is stylized with a large, looping 'M' and 'S'.

Mark E. Scott  
PTO Reg. No. 43,100  
CONLEY ROSE, P.C.  
(713) 238-8000 (Phone)  
(713) 238-8008 (Fax)  
ATTORNEY FOR APPELLANTS

HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
Legal Dept., M/S 35  
P.O. Box 272400  
Fort Collins, CO 80527-2400